

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, October 16, 2012, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman John Clark

Alderman Mike McIntire

Vice-Mayor Tom C. Parham

Alderman Tom Segelhorst

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

Lisa Winkle, Deputy City Recorder

I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.

II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG**

II.B. **INVOCATION:** Donna Hester, Pastor – Ketron Memorial United Methodist Church.

III. **ROLL CALL:** By City Comptroller Lisa Winkle. Absent: Alderman Valerie Joh.

IV. **RECOGNITIONS AND PRESENTATIONS.**

1. Margot Seay Proclamation – Mayor Phillips read this proclamation honoring Mrs. Seay's service to the community.
2. Citizens Policy Academy Graduation – Deputy Chief Phipps recognized the graduates of the 33<sup>rd</sup> class this program has generated.

V. **APPROVAL OF MINUTES.**

Motion/Second: Segelhorst/Clark, to approve minutes for the following meetings:

A. October 1, 2012 Regular Work Session

B. October 2, 2012 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of an Ordinance to Amend Zoning of Portions of Parcels 4.05 and 4.10 on Tax Map 47P, Group A Located Along Indian Trail Drive from M-1R Zoning to B-3 Zoning (AF: 292-2012).** Planning Manager Lynn Tully gave details on this item, discussing the results of the traffic impact study. She noted the current infrastructure would support theater traffic with only minor improvements. She affirmed that sufficient data was received to support this proposal.

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Ms. Tully presented commented on a letter she received from an out-of-state attorney in opposition of this project. Copies were provided for the Board and City Clerk Marshall.

**PUBLIC COMMENT ON ITEM VI.AA.1.** Mr. Ryan Rabah, KBM Commercial Properties, described the project and its benefits. Mr. Jessie Hensley, Hemlock Park Drive, also spoke in favor of this item. Three letters were also presented to the Board from citizens representing property located on American Way who are in favor of this rezoning.

Motion/Second: McIntire/Shupe, to pass:

**ORDINANCE NO. 6247**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ALONG INDIAN TRAIL DRIVE FROM M-1R, LIGHT INDUSTRIAL DISTRICT, TO B-3, GENERAL BUSINESS DISTRICT, IN THE 11<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**2. Public Hearing and Consideration of Ordinances to Annex/Amend the Zoning of the Colonial Heights Area 7 Part C Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 289-2012).** City Planner Ken Weems gave a presentation on this item.

**PUBLIC COMMENT ON ITEM VI.AA.2.** None.

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 7 PART C ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG HEATHERVIEW COURT, BELLE FOREST COURT, OAKMONT DRIVE, DEER RIDGE COURT, DEERWOOD LANE, CORALWOOD DRIVE, CEDAR CREST DRIVE, AND QUAIL POINT TO R-1B, RESIDENTIAL DISTRICT, IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

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Motion/Second: McIntire/Parham, to pass:

**Resolution No. 2013-064**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE COLONIAL HEIGHTS AREA 7 PART C ANNEXATION OF THE CITY OF KINGSFORT, TENNESSEE

Passed: All present voting "aye."

**3. Public Hearing and Consideration of Ordinances to Annex/Amend the Zoning of the Colonial Heights Area 7 Part D Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 290-2012).** City Planner Ken Weems gave a presentation on this item.

**PUBLIC COMMENT ON ITEM VI.AA.3.** None.

Motion/Second: McIntire/Clark, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 7 PART D ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/ Segelhorst, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MORNING DOVE DRIVE, MEADOW LANE, SANDPIPER CIRCLE, AND CENTERBROOK CIRCLE TO R-1B, RESIDENTIAL DISTRICT, IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/ Clark, to pass:

**Resolution No. 2013-065**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE COLONIAL HEIGHTS AREA 7 PART D ANNEXATION OF THE CITY OF KINGSFORT, TENNESSEE

Passed: All present voting "aye."

**4. Conduct a Public Hearing and Consideration of an Ordinance Vacating the Right of Way for Kendrick's Creek Road South (AF: 291-2012).** City Planner Karen Combs pointed out the requestor owns all of the surrounding property.

**PUBLIC COMMENT ON ITEM VI.AA.4.** None.

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Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO VACATE THE PUBLIC RIGHT-OF-WAY APPROXIMATELY 30 FEET IN WIDTH AND APPROXIMATELY 1,943 FEET IN LENGTH LYING BETWEEN PARCELS 1.00, 1.10, AND 1.20 AS SHOWN ON TAX MAP 120 SITUATED IN KINGSFORT, TENNESSEE, FOURTEENTH CIVIL DISTRICT OF SULLIVAN COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**5. Public Hearing and Consideration of an Ordinance to Amend Zoning of Parcel 31 on Tax Map 92N, Group B Located Along Fort Henry Drive and Tall Oak Court from R-1B Zoning to P-1 Zoning (AF: 305-2012).** City Planner Jason Meredith provided information on this item.

**PUBLIC COMMENT ON ITEM VI.AA.5.** None.

Motion/Second: McIntire/Clark, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ALONG FORT HENRY DRIVE AND TALL OAK COURT FROM R-1B, RESIDENTIAL DISTRICT, TO P-1, PROFESSIONAL OFFICES DISTRICT, IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of a Budget Ordinance to Appropriate \$6,300.00 from the Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership, Body Armor Safety Initiative (AF: 301-2012).**

Motion/Second: Shupe/Segelhorst, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECTS-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Consideration of a Resolution and Ordinance Accepting an Amended Contract with the Tennessee Department of Transportation for Federal "Roadscapes" Grant Funds and Allowing the Mayor to Sign All Related Documents (AF: 268-2012).**

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Motion/Second: Segelhorst/Shupe, to pass:

**Resolution No. 2013-066**, A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR FEDERAL "ROADSCAPES" GRANT FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND AUTHORIZING THE EXECUTION OF ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

Motion/Second: Segelhorst/Shupe, to pass:

AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**3. Consideration of a Budget Ordinance to Appropriate Federal Enhancement Grant Funds for Extension of the Greenbelt (Rotherwood Section) (AF: 73-2012).**

Motion/Second: Parham/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE FEDERAL HIGHWAY ADMINISTRATION TO EXTEND THE GREENBELT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**4. Consideration of an Ordinance to Transfer Funds from Various Public Works Projects (AF: 306-2012).**

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY TRANSFERRING FUNDS FROM VARIOUS PUBLIC WORKS PROJECTS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**5. Consideration of a Budget Ordinance Appropriating Funds Received from an Assistance Firefighters Grant through the United States Fire Administration of the Federal Emergency Management Administration Division of the Department of Homeland Security (AF: 304-2012).** Fire Chief Dye provided details on this program that distributes ten-year smoke detectors to citizens. He also noted there were models available for the hearing-impaired and that the fire department would install these detectors for those who are unable to do so.

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Motion/Second: Shupe/McIntire, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT – SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM AN ASSISTANCE FIREFIGHTER GRANT FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting “aye.”

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

**1. Consideration of an Ordinance, as Amended at the October 2, 2012 Business Meeting, Adopting a New Code of Ordinances for the City (AF: 251-2012).**

Motion/Second: McIntire/Clark, to pass:

**ORDINANCE NO. 6248**, AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF KINGSFORT; ESTABLISHING THE SAME; PROVIDING FOR REPEAL OF A PREVIOUS CODE OF ORDINANCES; PROVIDING FOR THE MANNER OF UPDATING SAID CODE; PROVIDING A PENALTY FOR VIOLATION THEREOF; PROVIDING A DATE WHEN SUCH CODE SHALL BECOME EFFECTIVE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting “aye.”

**2. Consideration of an Ordinance to Amend Zoning of Parcel 6.60 on Tax Map 46E, Group E Located along Bridgewater Lane and Bowater Drive from B-3 Zoning to R-4 Zoning (AF: 263-2012).** Mayor Phillips noted this item needed to be removed from the agenda. Once the item was on the table, Alderman Segelhorst made a motion to postpone this item indefinitely. Vice-Mayor Parham seconded the motion with all present voting “aye.”

Motion/Second: Segelhorst/McIntire, to defer:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY AT 1400 BRIDGEWATER LANE FROM B-3, GENERAL BUSINESS DISTRICT TO R-4, MEDIUM DENSITY APARTMENT DISTRICT IN THE 11<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Deferred on second reading in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting “aye.”

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Approving the Renewal of an Agreement with Humana, Inc. and Authorizing the Mayor to Execute Renewal Documents with Humana, Inc. for Administration Services for the City's Health Insurance Plan (AF: 303-2012).**

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Motion/Second: Segelhorst/Clark, to pass:

**Resolution No. 2013-067**, A RESOLUTION RENEWING THE AGREEMENT WITH HUMANA INC. FOR ADMINISTRATIVE SERVICES FOR THE CITY'S SELF FUNDED HEALTH INSURANCE PLAN AND AUTHORIZING THE MAYOR TO EXECUTE AND SIGN ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Sign All Necessary Documents to Make Required Changes to the Self-Funded Health Insurance Plan (AF: 302-2012).** City Manager Campbell pointed out there was a new state requirement regarding hearing aids for children.

Motion/Second: Segelhorst/Parham, to pass:

**Resolution No. 2013-068**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS AMENDING THE CITY OF KINGSPORT SELF-FUNDED HEALTH INSURANCE PLAN TO COMPLY WITH *TENN. CODE ANNO. SECTION 56-7-2368*

Passed: All present voting "aye."

**E. APPOINTMENTS/REAPPOINTMENTS.**

**1. Consideration of an Appointment to the Regional Planning Commission (AF: 307-2012).**

Motion/Second: McIntire/Shupe, to approve:

APPOINTMENT OF MR. MARK SELBY TO SERVE A THREE-YEAR TERM ON THE **REGIONAL PLANNING COMMISSION** EFFECTIVE IMMEDIATELY AND EXPIRING ON JUNE 30, 2015.

Passed: All present voting "aye."

**VII. CONSENT AGENDA. *(These items are considered under one motion.)***

Motion/Second: Shupe/Parham, to adopt/approve:

**1. Consideration of an Ordinance to Appropriate the Funds for the Agreement with Danny Karst Related to the Edinburgh Phase 2, Section 2E Development (AF: 294-2012).**

Adopt:

**Ordinance No. 6249**, AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY DECREASING FUNDS TRANSFERRED TO THE EDINBURGH PHASE 2 SECTION 2E MATERIALS AGREEMENT PROJECTS (WA1377 AND SW1377); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

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**2. Consideration of an Ordinance to Amend the FY13 General Purpose School Fund Budget (AF: 297-2012).**

Adopt:

**Ordinance No. 6250**, AN ORDINANCE TO AMEND THE FY 2012-13 GENERAL PURPOSE SCHOOL FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**3. Consideration of a Budget Ordinance to Appropriate \$21,632.00 from the Governor's Highway Safety Office for Traffic Law Enforcement Agency Services – Highway Safety Grant from the Tennessee Department of Transportation (AF: 288-2012).**

Adopt:

**Ordinance No. 6251**, AN ORDINANCE TO AMEND THE GENERAL PROJECTS - SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE GOVERNOR'S HIGHWAY SAFETY GRANT FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**4. Consideration of an Ordinance Appropriating Grant Funds Received from the Tennessee Department of Environment and Conservation for the Clean Energy Grant Program (AF: 296-2012).**

Adopt:

**Ordinance No. 6252**, AN ORDINANCE TO AMEND THE FLEET FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**5. Consideration of a Budget Ordinance to Appropriate \$484,624.00 from the Department of Justice, Bureau of Justice Assistance Grant (AF: 266-2012).**

Adopt:

**Ordinance No. 6253**, AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY A REDUCTION IN GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE PROGRAM FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE



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Passed on second reading in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**6. Consideration of an Approval of Offer for Easements and Right-of-Ways for the Ketron High School Sanitary Sewer Extension Project (AF: 308-2012).**

Approve:

OFFERS FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE KETRON HIGH SCHOOL SANITARY SEWER EXTENSION PROJECT

Passed in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** Mr. Campbell stated that at the Tennessee City Managers meeting the East Tennessee Clean Fuels group commended Kingsport and Fleet Manager Steve Hightower for doing our part to help the environment. He also congratulated Dobyys-Bennett band director Lafe Cook for receiving his third invitation to the Tournament of Roses parade.

**B. MAYOR AND BOARD MEMBERS.** Alderman McIntire thanked Barbara Duncan in Human Resources for rolling out the defined contribution plan so well. He also acknowledged Ronnie Hammonds for the cost savings attained from the new transfer station.

Alderman Shupe stated it was an honor to serve on the BMA since 2007 and noted the recent employee picnic was outstanding.

Alderman Segelhorst commended the police department and the citizen's academy graduates. He noted this was a worthwhile effort and encouraged any citizen to participate if possible. Mr. Segelhorst also commented on Blake Leeper Day at V.O. Dobbins and stated he is a remarkable man.


Vice-Mayor Parham pointed out that Blake Leeper's character is as impressive as his physical accomplishments. Mr. Parham also noted that six Dobyys-Bennett seniors qualified as National Merit Scholarship finalists.

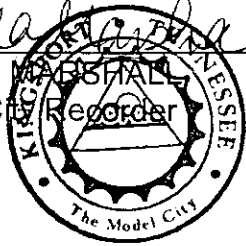
Mayor Phillips also commented favorably on Blake Leeper. He thanked the police department for always having an officer attend the BMA meetings.

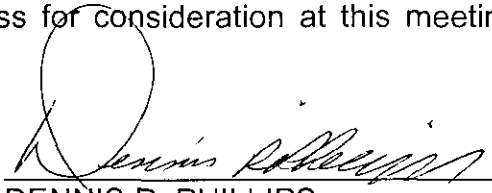
**C. VISITORS.** Ms. Barbara Brown commented favorably on Dr. Kathleen Beine for receiving the 2012 Award for Excellence. Mr. Donnie Bishop, Glenburn Road, commented on his opposition to drugs and alcohol.

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**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:30 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor